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SEE'S CANDY SHOPS, INC. and
SEE'S CANDIES INC.
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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20

21 AVI WEISS, individually and on behalf of a
class of similarly situated individuals,

22 Plaintiff,

23 v.

24 SEE'S CANDY SHOPS INC., SEE'S
CANDIES INC., and DOES 1 through 5,

25 Defendants.
26

Case No. 16-cv-00661-EMC

CLASS ACTION

**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE ON MOTION TO
DISMISS**

Assigned Hon. Edward M. Chen

Complaint filed: February 9, 2016
Trial Date: TBD
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TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Pursuant to Northern District of California Local Rules 6-1, 6-2, and 7-12, plaintiff Avi Weiss and defendants See's Candies, Inc. and See's Candy Shops, Inc. (collectively "See's"), by and through their respective counsel, hereby respectfully stipulate and jointly request that the Court grant a short extension of the briefing schedule of defendants' pending Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 39) to afford time for plaintiff to seek relief from the Court regarding a discovery dispute related to documents and information which plaintiff contends is pertinent to support his opposition to the pending motion.

RECITALS

WHEREAS, on January 20, 2017, the Court set a briefing schedule for defendants' Motion of Dismiss for Lack of Subject Matter Jurisdiction, which built in time for the parties to conduct discovery related to jurisdiction;

WHEREAS, on February 17, 2017, defendants filed their Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 39);

WHEREAS, on March 6, 2017, defendants responded to plaintiff's requests for production of documents and requests for admissions;

WHEREAS, on March 10, 2017, plaintiff sent defendants meet and confer correspondence and on March 13, 2017, the parties met and conferred *via* telephone but were unable to resolve a discovery dispute related to documents and information that plaintiff contends is pertinent for his opposition to the pending motion;

WHEREAS, plaintiff's opposition to the pending motion is due on March 16, 2017;

WHEREAS, defendants' reply in support of the pending motion is due on March 30, 2017;

WHEREAS, the parties have met and conferred and defendants have agreed to plaintiff's request for a short extension of the briefing schedule to allow plaintiff to submit the discovery dispute to the Court for resolution;

WHEREAS, prior modifications of time in this case occurred on February 29, 2016, when the parties agreed to extend See's deadline to respond the complaint to April 4, 2016 and on February 22, 2017 when the pending motion hearing and further case management conference

1 were continued from April 13, 2017 to April 27, 2017 to accommodate See's counsel's request to
2 continue the hearing to accommodate his scheduled arbitration in another matter.

3 WHEREAS, the extension herein may affect the hearing date on the motion to dismiss and
4 further case management conference;

5 WHEREAS, plaintiff's counsel attests that Neil A.F. Popović concurs in filing this
6 stipulation.

7 **STIPULATION**

8 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, by and
9 through their respective counsel, that the Court extends the time for plaintiff to file its opposition
10 to defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 39) from March
11 16, 2017 to fourteen days after the Court issues a ruling on the parties' discovery dispute; the
12 Court extends the time for defendants to file their reply in support of the motion from March 30,
13 2017 to fourteen days after the plaintiff files his opposition papers; and the further case
14 management conference and the hearing on the motion presently scheduled for April 27, 2017, at
15 1:30 p.m., shall be continued to May 25, 2017 at 1:30 p.m. or such other date convenient to the
16 Court and the briefing schedule adjusted accordingly.

17 **IT IS SO STIPULATED.**
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2 Dated: March 14, 2017

Parisi & Havens LLP

3
4 By /s/ David C. Parisi

David C. Parisi

Suzanne Havens Beckman

5
6 -and-

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12 *Attorneys for Plaintiff*

13 Dated: March 14, 2017

SHEPPARD MULLIN RICHTER & HAMPTON LLP

14
15 By /s/ Neil A.F. Popović

16 Neil A.F. Popović

Eric J. DiIulio

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18 *Attorneys for Defendants*

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Plaintiff's opposition to defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction shall be filed no later than fourteen days after the Court issues a ruling on the parties' discovery dispute.
2. Defendant's reply in support of their Motion to Dismiss for Lack of Subject Matter Jurisdiction shall be filed no later than fourteen days after the plaintiff files his opposition papers;
3. The further case management conference and the hearing on defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction presently scheduled for April 27, 2017, at 1:30 p.m., shall be continued to May 25, 2017 at 1:30 p.m. or such other date convenient to the Court and the briefing schedule adjusted accordingly.

DATED: 3/16, 2017

